IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 21200 of 2006(W)

PETITIONERS:

1. **E.K. VALSALAKUMARI,**
   W/O.LATE SRI.T.P.JAYAKUMAR, AGED 51 YEARS,
   NOW RESIDING AT Q.NO.S.20, FACT TOWNSHIP
   UDYOGAMANDAL P.O., KOCHI-683 501.

2. **KUMARI MAMITHA T. JAYAN,**
   D/O. LATE T.P. JAYAKUMAR, AGED 23 YEARS,
   NOW RESIDING AT Q.NO.S.20, FACT TOWNSHIP,
   UDYOGAMANDAL P.O., KOCHI-683 501.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

1. **THE CHIEF ENGINEER, PWD-ADMINISTRATION**
   THIRUVANANTHAPURAM.

2. **THE EXECUTIVE ENGINEER, OFFICE OF THE**
   EXECUTIVE ENGINEER, PWD BUILDING DIVISION,
   ERNAKULAM.

3. **THE ASSISTANT EXECUTIVE ENGINEER,**
   OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER,
   PWD ELECTRICAL SUB DIVISION, ERNAKULAM.

4. **THE ACCOUNTANT GENERAL OFFICE OF THE**
   ACCOUNTANT GENERAL (A & E), THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.21200/2006 W

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE DEATH CERTIFICATE OF 1ST PETITIONER'S HUSBAND.**

EXT.P2: **COPY OF THE LEGAL HEIRSHIP CERTIFICATE DTD. 7/07/2005 ISSUED BY THE TAHSILDAR, TALUK OFFICE, KANAYANNUR.**

EXT.P3: **COPY OF THE APPLICATION PREFERRED BY 2ND PETITIONER FOR COMPASSIONATE EMPLOYMENT UNDER DYING-IN-HARNESS SCHEME, DTD. 28/09/2005.**

EXT.P4: **COPY OF THE INTIMATION ISSUED FROM THE OFFICE OF THE 4TH RESPONDENT DTD. 14/11/2005.**

EXT.P5: **COPY OF THE FORWARDING LETTER VIDE REF.NO.EL 3/295 A/05 DTD. NIL ALONG WITH ITS ENCLOSURES.**

EXT.P6: **COPY OF THE REPRESENTATION PREFERRED BY THE 1ST PETITIONER BEFORE 1ST RESPONDENT DTD. 14/02/2006.**

EXT.P7: **COPY OF THE LETTER DTD. 31/03/2006 VIDE REF.NO.FE3(B)/ 1187/06 TO THE 4TH RESPONDENT.**

EXT.P8: **COPY OF THE LETTER PREFERRED BY THE 2ND PETITIONER BEFORE 3RD RESPONDENT DTD. 12/04/2006.**

EXT.P9: **COPY OF THE NOTARIZED AFFIDAVIT AS WELL AS CONSENT LETTER OBTAINED FROM THE 2ND PETITIONER UNDER DURESS AND PRESSURE BY THE 3RD RESPONDENT.**

EXT.P10: **COPY OF THE LAWYER NOTICE PREFERRED THROUGH THE COUNSEL OF PETITIONER'S.**

EXT.P11: **COPY OF THE LETTER PREFERRED BY 2ND RESPONDENT VIDE REF.NO.C9-3578/05 DTD. 29/05/2006.**

EXT.P12: **COPY OF THE LETTER DTD. 6/06/2006 ISSUED FROM THE OFFICE OF 2ND RESPONDENT AND FORWARDED TO 3RD RESPONDENT VIDE REFERENCE NO.C9-3578/05.**

EXT.P13: **COPY OF THE CIRCULAR ISSUED FROM THE FINANCE (PENSION-B) DEPARTMENT NO.2/2000/FIN. DTD. 6/01/2000.**

2ND RESPONDENT'S EXHIBITS:

EXT.R2(A): **COPY OF THE REPORT DTD. 20/01/2006.**

EXT.R2(B): **COPY OF THE AGREEMENT FOR RECOVERY FROM SALARY.**

/TRUE COPY/

P.S.TO JUDGE

KSS

V.GIRI, J.

O.P.No.21200 of 2006 C

Dated this the 7th day of November, 2007.

JUDGMENT

The first petitioner's husband died while in harness. The grievance now raised by the petitioner is that the retirement benefit due to the petitioner by way of Death cum Retirement Gratuity {for short "DCRG"} is yet to be disbursed. There is also a claim raised by the first petitioner for appointment on compassionate grounds, which has not been considered so far.

2. Respondents have filed a counter affidavit, inter alia, indicating that the deceased had apparently availed loans from several financial institutions or stood as a surety/guarantor in relation to certain other persons. There are requests given by those institutions not to release the terminal benefits under the account of the

first petitioner's husband till their claims are settled. This is the reason why the DCRG has not been disbursed.

3. After having heard both sides, I am of the view that the Head of the Department should pass orders indicating whether any amount has been fixed as the liability of the deceased and if so, the amount should be quantified as such. Before passing any order, the first petitioner shall also be heard, inter alia, on the question as to whether the said amount can be treated as a liability under the account of the deceased person. Orders in this regard may be passed within 3 months from the date of receipt of a copy of this judgment, which the petitioner shall produce before the first respondent.

4. As regards appointment on compassionate grounds, first respondent shall

look into the claim and take a decision within six months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//

P.S. To Judge